

**Jaguar Conservation Team Meeting Minutes**  
Gadsden Hotel, Douglas, Arizona  
April 30, 1997

Introduction

The meeting was called to order by Terry Johnson, Arizona Game and Fish Department (AGFD), at 10:10 am Arizona Time. Terry welcomed everyone and made opening comments on organization and basic ground rules. Attendees were encouraged to include their addresses on the sign-up sheet if they were not already on the Jaguar mailing list. Name/affiliation tags were provided to facilitate recognition.

Four general areas to cover in today's meeting:

- 1 - briefly cover background
- 2 - Memorandum of Agreement
- 3 - Conservation Strategy
- 4 - Results that must be accomplished

Questions should be asked by raising a hand, to maintain order and not miss any questions. Everyone should speak up, and let others know if they could not be heard.

Anyone uncomfortable with the accommodations is free to close doors, stand up for awhile, help himself or herself to water, and otherwise make themselves comfortable.

Unless we finish by then, or seem likely to finish soon thereafter, we will break for lunch at 11:45 am and reconvene at 1:00 pm.

This meeting is to discuss the Jaguar Conservation Agreement not to discuss listing.

These rules and times were agreed upon by everyone.

We then went around the room allowing everyone to identify themselves and any organization or affiliation they were representing. Last page of these minutes/notes is an attendance roster.

It was noted that Arizona BLM, Pima County, and Santa Cruz County, Arizona and Otero County, New Mexico did not send a representative to the meeting.

All but three parties have signed the Conservation Agreement. The three are Pima County, Otero County, and New Mexico State Land Department. They have sent letters of support.

The original signature page will be re-circulated starting Monday (May 7) to get everyone's signature on the same page. When this is completed the five-year cycle begins. Terry noted the Jaguar Conservation Team is formally in existence as of this meeting and the clock is running.

Memorandum of Agreement (JAGMOA)

Terry noted an error on page two, line 6 of the JAGMOA. The National Park Service participant is the Intermountain Region, not the Southwestern Region. This will be corrected.

Any substantive changes in the JAGMOA would need agreement and signatures of the cooperators. Minor (grammatical, wrong name, etc.) changes could probably be made without new signatures. In any case, new partners may still be added at any time.

Terry asked for general questions about the JAGMOA and had everyone look through it up to page 11. Wendy Glenn, Malpai Borderlands Group, clarified that they can only handle reimbursements for Arizona and New Mexico, not for far reaching areas. There were no other questions or concerns.

Terry then read the JAGMOA items one at a time. After each one he opened the floor for questions or concerns, and then moved on through the last item.

Question on Appendix A Number 2: Could the governor cancel this agreement?

Response (Terry): Yes, but no Arizona Governor has ever cancelled an agreement pursuant to that clause. The clause is in all Arizona agreements in case the state is ever on the verge of becoming fiscally insolvent and needs to withdraw from such agreements to prevent bankruptcy. Response (Greg Schmitt, New Mexico Game and Fish): New Mexico does not have a set structure like that.

Question: What about the court ruling?

Response (Terry): USFWS has asked for clarification of the judge's ruling. The judge has not signed the clarification order yet. No one is sure what will happen. In the meantime, USFWS Region 2 has indicated it will sign the Conservation Agreement, although it has also sent two packets to Washington for consideration: 1 - to list the jaguar, and 2 - to withdraw the listing proposal. While USFWS ponders what it will do, we need to proceed with the Conservation Agreement and begin implementing it. Today we are doing just that. We have no control over the court decision.

### Conservation Assessment and Strategy

Bill Van Pelt began showing overheads while Terry read each section, starting on page 11 of the Jaguar Conservation Assessment and Strategy (dated Final: March 24, 1997).

Question: Are there any plans or alternative plans for repopulation?

Response (Terry): There is no plan for reintroduction, just natural recolonization.

No questions on the **GOAL**.

### **Objectives, Strategies, and Activities**

Section 1. A.

Question: Are any Native American Tribes interested in this effort?

Response (Terry): The Tohono O'odham (Papago) have not expressed any interest at this point. The San Carlos and White Mountain Apache Tribes want to be kept apprised of our plans and actions, but have not requested more formal involvement at this time.

Voluntary is stressed as the key word for involvement.

No questions.

Section 1. B.

No questions. Terry reaffirmed there is no JAGCT control over private lands. Actions will be structured to try to get voluntary cooperation and action.

Question: How will the primary cooperators implement this?

Response (Terry): They must work within their own processes, such as NEPA compliance. A cooperator's existing legal requirements will not change as a direct result of this Agreement.

Section 1. C and D.

No questions.

Section 2. A. 1-4.

No questions.

Section 2. A. 5.

Terry suggested the JAGCT be obligated to take minutes/notes of each meeting. A draft copy would be mailed to each cooperator within 10 days of the meeting. The cooperators would return the draft, with corrections or an ok, within 10 days of the mailing. All persons attending the meeting, who provide an address, would receive the minutes within 30 days of the meeting. This was approved.

Section 2. A. 6.

Question: What happens between meetings.

Response (Terry): This will be discussed as we go through the Agreement.

Section 2. A. 7.

This item concerned the initial chair of the JAGCT. The first chair must be from AGFD or NMGFD. Greg (NMGFD) nominated Terry Johnson (AGFD). This was seconded from the floor and approved by all present. Terry will chair the JAGCT for one year.

Section 2. B. 1.

No questions.

Section 2. B. 2.

This section concerns the participation in the JAGWG. Terry asked if the JAGWG should have more structure. The consensus answer was no. All persons present were thus made part of the JAGWG. This met with everyone's approval.

Section 3. A.

Information concerning the jaguar will be collected by the next JAGCT meeting. Contact Bill Van Pelt or Mike Pruss. Tammy Pike will be compiling the publications and can be reached through Bill.

**\*\*At this point confusion was expressed due to the overheads being condensed and differing from the approved Agreement. To end the confusion, we stopped using the overheads. Also, Larry Rutherford had a previous copy of the Conservation Agreement. Larry had requested a copy and was sent one before the final was completed. This copy was placed aside and everyone made sure they had the final, not draft, copy.\*\***

A concern was raised over whether AGFD has the manpower to complete this work. Terry confirmed we have the manpower but will accept assistance if offered. Existing field staff will be used to follow up on any field contacts with jaguars.

The information gathered will be made available by the next meeting (July, 1997).

Question: will private property owners and the county be notified of a sighting on their land(s).

Response (Terry): Private property owners will be asked for permission to enter their property to verify any sightings. Everyone will be notified, via the newsletter, of any sightings. However, only general locations will be used (e.g. Baboquivari Mountains).

The three experts that will check occurrence information will not come from AGFD or NMGFD, in part because no one on staff is a jaguar expert. Experts from the field have offered their services and will be contacted to assist in this area.

Section 3. B. In the confusion discussed above (\*\*), this item was skipped.

Section 3. C.

People are needed to pick the criteria for a credibility ranking of occurrences. Approval of these criteria is needed by the next meeting.

Section 3. D.

The draft report, due in 12 months, will be an update of the Jaguar Conservation Assessment and Strategy. It will include infusion of new information and correction of any misinformation. It will be a summary of the status of the species in Arizona and New Mexico. Included will be information from Mexico as it pertains to the status in Arizona and New Mexico.

The execution of subsequent portions of this Agreement will help build the draft report. The draft report will be reviewed by the JAGCT, JAGWG, the public, and experts in the field several times throughout its development.

Section 4. A.

Coordination with Mexico will be through the Trilateral Committee, which meets once each year. The meeting is a series of loosely structured roundtable discussions to discuss cross-border issues. Most recently it met in Phoenix, in February 1997. Both AGFD and USFWS brought the jaguar issue to the roundtable discussions then to start a dialogue with Mexico. Mexico is interested in participating and cooperating in this issue at national, state, and local levels.

The Malpai group has also had some discussions with Mexico to stimulate interest.

AGFD will present the Conservation Agreement at the International Mammalogists Conference in Mexico in September 1997. It will be workshop type of discussion, with several potential cooperators in attendance who are working on jaguar projects or trying to get them started. Cooperation with Mexico looks good in terms of getting information, if not direct participation in the JAGCT.

The Trilateral Committee can do three things: 1) serve as an information only vehicle, 2) contribute dollars to studies, projects, surveys, monitoring, research or public information education efforts, and 3) advocate agreements, such as the thick-billed/maroon-fronted parrot project, which includes monitoring and survey work and establishment of a reserve in Mexico. Due to the influence of NAFTA, the Commission has more money to allocate now, but there is also more competition for that money.

Question: Can the Trilateral Committee veto the Jaguar Conservation Agreement?

Response (Terry): It cannot. The Trilateral Committee was originally established as a Binational Committee, comprised of federal level representatives from Mexico and the

United States. It was established by a treaty approved by Congress to facilitate the exchange of ideas and to carry out actions concerning natural resource issues, and cultural, economic, and other issues. NAFTA then brought Canada into the arena, and thus was created the Trilateral Committee. Cultural and economic issues are still the major concerns, and natural resources are a minor concern. The Trilateral does not have the authority to supersede an agreement such as the Jaguar Conservation Agreement. A copy of the treaty can be provided if anyone wants it (nobody asked for one). Again, the Committee is comprised at a federal level. Under that, state level tables (agencies, not governors) discuss state issues. It is open to the public, although few attend.

Section 4. B.

The map has been started and will continue as relevant information becomes available. Mexico has already expressed an interest in attending these meetings as a relevant observer not as a signatory or cooperator. We are trying to get them to the July meeting, if not then certainly by the September meeting.

Section 5. A.

Technical Committee Members volunteered:

Les Thompson	Larry Rutherford	Sue Krentz
Bill Merhege	Ben Brown	Ron Bemis
Bill Moore	Tony Povilitis	Judy Keeler
Greg Schmitt	AGFD person	

plus experts outside of the room who have volunteered their services

JAGCT/JAGWG committees will be loosely structured so people can join or drop out as they wish. People should only drop out **after they have completed what they agreed to do.**

Section 5. B. 1. a.

Within 30 days of the July meeting, each land management agency cooperator will be supplied with guidelines for assessments.

Section 5. B. 1. b.

Deadlines for completion of assessments will be set specific to the area each agency must evaluate, with a maximum of 90 days.

Section 5. B. 1. c.

The Arizona State Land Department does not plan actions; it sells and leases state trust lands, and responds to others' actions or planned actions. It does not have an asset

management planning process in the four counties that are potential jaguar habitat. Thus, it will use the existing process for sale or lease. When it gets an application, it sends a request for comment to agencies such as AGFD for comment. AGFD sends back comment concerning what type of mitigation or changes are necessary to maintain the habitat in question.

Question: What about mitigation fees like with the desert tortoise in Nevada?

Response (Terry): This agreement is not a Habitat Conservation Plan, therefore no mitigation fee is involved. The Nevada tortoise situation is completely different. The tortoise is a federally listed endangered species; the jaguar is not federally listed.

Section 5. B. 2.

No questions.

Section 5. B. 3.

Question: This is all happening simultaneously. Why? Isn't it important to establish that the jaguar has habitat before proceeding with steps 2, 3 and 4.

Response (Terry): To have a substantive Conservation Agreement, we must show discernible progress in several areas. In the first 180 days, we will focus on gathering information as quickly as possible so we have an adequate base on which to start structuring these things. As we gather the information, we will start to build specific recommendations and guidelines for carrying out conservation actions and then we will start carrying out those actions. If we are not able to build the information fast enough, or if the information isn't sufficient to support guidelines, we will have to decide whether to take the next step. We don't want to build recommendations on insufficient information. However, we also need to say clearly that if the information is sufficient, we will be willing to take the next step and build a conservation or management recommendation.

The crucial thing is to get through the first six months and then reassess where we are before deciding what is reasonable and appropriate in the way of action at that point. There will be a gradual escalation of information, and then of action.

In reality, this work (project review) has been on-going for several years, and has been based on the best available information. All federal agencies are required to review the potential impacts of proposed and planned actions on species (including the jaguar) that have been proposed for federal listing.

Remember: this Agreement is about building a strong private - public partnership for conservation of the jaguar. The stronger and more substantive this Agreement is, the less likely it is to be overturned in the judicial system.

The Arizona State Land Department is trying to be responsive to lessees who want to make improvements on trust land. It will not allow the entire team to comment on proposed projects, just the one entity they are trying to deal with, Arizona Game and Fish. This requires trusting that agency and its habitat specialists to give their best input so the Land Department can be responsive to its lessee.

BREAK for Lunch at 11:47 am.



Reconvene at 1:05 pm.

Section 5. C.

Reinforced, again, that habitat inventories will not occur on private land without prior permission from landowner.

Question on B2: What address will be used for the JAGCT?

Response (Terry): Since Terry is the chair for one year, we will use his address at AGFD for that time frame. E-mail address is in the last newsletter.

Question about permission from landowners and keeping them up to date on items.

Response (Terry): The intent is to have the jaguar newsletter going out every month, with a summary of activities and a progress report. With that and the JAGCT minutes, the object is to keep everyone appraised of what is being done. AGFD will also have a web page available in May, with jaguar information.

Question: concerning prey inventories, jaguars and hunting permits.

Response (Terry): The measurement methods used in Arizona are not specific enough to detect depredation by jaguar. There are very few jaguars compared to other species, so they will not affect hunting permits (tags). Every significant actual or potential prey species will be surveyed.

Section 5. D.

This map is not the same as the animal distribution map on page 16 Section 4. B. This map is to be of habitat, not jaguar occurrences. This map is contingent on gathering enough information to actually create it.

This map will be available for use by anyone. It is not intended for use by USFWS to designate critical habitat, but it could be used by someone else to advocate critical habitat via a listing petition.

The draft stage is usually not as widely distributed as the final stage. AGFD is required to make most information public, pursuant to the Arizona Public Documents Law. Any information that goes into the final map/report will be public information.

Again, we must take actions that are affirmative for conservation of the jaguar. Mapping habitat, at this level, is unlikely to be "threatening" to private owners. However, ultimately private landowners will have to make their own decisions as to the extent they are willing to participate in recovery of the jaguar and in sharing information. That is why volunteerism is stressed throughout this agreement. The Internet information is about what we are doing in

general, not about providing specific locations that might attract poachers or tourists.

Section 5. E.

No questions.

Section 5. F.

The new Farm Bill creates opportunities to pay for enhancements of habitat and species on private and state property. Information on this will be distributed to everyone.

Question: How do you enhance habitat?

Response (Terry): We can't address that until we know more about the habitat requirements of the jaguar. It could include maintaining movement corridors, fencing riparian areas, establishing water, etc. At this point, we just don't know.

Question: What can an individual rancher do to preserve habitat?

Response (Bill Van Pelt): Water location may be one. In South America, they moved a calving pasture to another area to reduce conflict with a movement corridor.

Section 5. G.

No questions.

Section 5. H. 1.

No questions.

Section 5. H. 2.

The Malpai group will only address depredation issues in Arizona and New Mexico.

Concern was raised over a private organization handling these funds. Some would like a branch of the government to administer the fund instead of an individual group.

AGFD and NMGFD do not have the authority to run this fund. Is there is a political subdivision of state government that can handle this? The state Agriculture Departments do not have the expertise to make jaguar "kill" judgments but perhaps they could manage the funds. They and the Natural Resource Conservation Service will assess this and report at the next meeting. Ed Sanchez will spearhead the effort. The Cattle Growers Association will also see if they have the authority to handle these funds.

In reference to the Mexican wolf depredation fund, that is handled by an independent group.

Agencies could not legally handle the funds.

The following people will establish a kill verification procedure for payment from the depredation fund:

Warner Glenn	Chas Erickson	Mike Pruss	Steve Fairaizl
Levi Klump	Jack Childs	Kelly Glenn	

Section 5. H. 3.

Steve Fairaizl will be the lead.

Section 5. H. 4.

No questions.

Section 5. H. 5.

As the handling protocol is developed, what constitutes "releasability" will be decided.

Section 5. H. 6.

No questions.

Section 6. A. 1. & 2.

The credentialed scientists will not include people employed by the cooperators. Persons with published, juried articles and those with relevant experience will be considered. Resumes of candidates will be circulated 30 days prior to the next meeting (July 1997).

Section 6. B. 1. A. & B.

Sue Krentz knows of three people who are professional educators who have offered to help in this area. Any volunteers will be appreciated.

Section 6. B. 2. A.

No questions or comments.

Section 6. B. 2. B.

Several groups will participate in producing the scripted slide show, including Defenders of Wildlife, AGFD, the Arizona Cattle Growers Association, and the Malpai Borderlands Group. Any other groups may also participate. Anyone that participates must be able to assist with funding (even if it is only \$1).

Section 6. B. 2. C.

These items will be boiled down versions of the slide show and Agreement.

Note: If any cooperators have a logo they would like to have put on the web page, please provide it and they will all be placed on the page. A reminder note will be sent to cooperators.

Greg: The New Mexico Game and Fish Department magazine is being closed down.

The Arizona Wildlife Views magazine would like to attend the July or September meeting to tape for a show in 1998.

Section 7. A. & B.

AGFD, during its June 20<sup>th</sup> Commission meeting in Kingman, will discuss (subject to Commission approval as agenda items):

- Changing the status of the jaguar to a big game species (Title 17 definition)

- Changing Title 17 so the jaguar cannot be taken as a stockkiller

- Raising the civil/criminal penalties for unlawful take to make them comparable to federal penalties under the Endangered Species Act

NMGFD - It will be at least two legislative sessions from now before changes can be introduced. Their Commission does not have the authority to make changes.

Section 7. C.

We do not know yet how the USFWS will respond to the "similar appearance" issue. If it is invoked, it will not be accompanied by other ESA protections such as Section 7 or 10 compliance, or critical habitat designation.

Question: Would a "similarity of appearance" listing affect include mountain lions.

Response (Terry): The mountain lion does not come into play under "similarity of appearance" because it is not a federally listed species.

If USFWS will use the "similarity of appearance" clause, it would mean AGFD would not need to change Title 17 to close the stockkiller loophole.

Section 8. A.

This written report will show where the JAGCT is and what shortfalls exist and why.

End of the Conservation Agreement.

Other

Further discussion concerning this Agreement:

It was asked, and agreed upon, that the minutes be added as part of the agreement.

It was also asked, and agreed upon, that minor verbiage changes be made without the need of additional (new) signatures.

Question: Who can vote?

Response (Terry): The signators are the only ones who can vote, but our preference should be to avoid voting and instead to work toward consensus. This was agreed upon by all present.

No one has a solid feeling on what the court will do concerning listing. If the jaguar is listed, it is unknown what will happen to the JAGCT. Bruce Palmer stated that USFWS will probably be sued whichever way the ruling goes. It was emphasized the JAGCT should have its act together so the Service has a solid basis for any position it decides to take. Having this group will help no matter what the decision. USFWS questions whether the court has authority to order a listing.

The date for the next meeting was agreed to be Wednesday, July 30 at 10 am New Mexico time. Ted Hagen will try to set it up in the Civic Center in Lordsburg.

We will put a timetable of actions/events in the minutes when they go out in 30 days.

A meeting roster will be with the minutes. It will only list name and affiliation. We will not give out individual's addresses or phone numbers.

The meeting was adjourned at 2:27 pm Arizona time.

Attendance Roster

Terry Johnson, AGFD  
Gary Schmitt, NMGFD  
Bill Van Pelt, AGFD  
Tammy Pike, AGFD  
Bill Merhege, BLM  
Jerry McCrea, NPS  
Stephen Williams, AZ State Land Dept.  
Ed Sanchez, AZ Dept. of Agriculture  
Diego Villalba, NM State Land Dept., WNMU  
Walt Saenyo  
Ben Brown, Animas Foundation  
Gary Helbing, Coronado NF  
John Zamar  
Leslie B. Thompson, Cochise County  
Meira Gault  
Ted Hagen, NM Cattle Growers Assoc.  
Jack Childs  
Steve Fairaizl, ADC  
Bruce Palmer, USFWS  
Mike Pruss, AGFD  
Levi Klump, Hildalgo Co. Cattle Growers Assoc.  
Larry Rutherford, Hildalgo Co. Rep.  
Cordy Cowan  
Ron Bemis, USDA/NRCS  
Warner Glenn, Malpai Border Group  
Wendy Glenn, Malpai Border Group  
Kelly Glenn Kimbro, Malpai Border Group  
Bill  
Judy Keeler, Bootheel Heritage Assoc.  
Tony Povilitis, Lifenet  
Sue Krentz  
Brian L. Power  
Don Cullum